

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

MICHAEL LAWRENCE JACKSON,
Petitioner,

V.

GOVERNMENT OF THE VIRGIN ISLANDS,
VI ATTORNEY GENERAL, DIRECTOR OF THE
VIRGIN ISLANDS BUREAU OF CORRECTIONS,
Respondents.

) D.C. CV. No. 2007/0089

) D.C. CR. No. 1984/0097

) D.C. CR. No. 1984/0138

ORDER

THIS MATTER is before the Court on *pro se* petitioner Michael Jackson's Petition for Writ of Mandamus and *subpoena duces tecum*. In substance, Jackson's petition is a request for documents, namely a copy of his docket sheet, status report, and acknowledgment of filing the instant writ. Jackson's *subpoena duces tecum* requests that the Court order Warden Watson of the Wallens Ridge State Prison to provide him with copies of the following documents:

- 1) DOCIIB Reclassification Security Scoring Sheet; and
- 2) DOCIID Classification Summary Report.

Jackson pled guilty to second degree murder (D.C. CR. NO. 1984/0097) and escape from custody (D.C. CR. NO. 1984/0138). In two Judgment and Commitments dated January 15, 1985, the Honorable David V. O'Brien committed Jackson to the custody of

the Virgin Islands Bureau of Corrections for a period of fifty (50) years incarceration for murder and a period of ten (10) years on the escape charge. The fifty-year sentence was "to be served consecutive to the sentence in Criminal No. 84/138." (J. and Commitment at 1, CR. No. 1984/0097.)

The Virgin Islands Code provides that:

Each prisoner confined in a prison or jail in the Virgin Islands for a definite term other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subjected to punishment, shall be entitled to a deduction from the term of his sentence beginning with the day on which the sentence commences to run, to be credited as earned and computed monthly as follows: Six days for each

month of time served.

5 V.I.C. § 4571.

Although Jackson is serving a Virgin Islands sentence in federal prison and is entitled to good time credits provided by federal law rather than those applicable under territorial statute, he would not be entitled to good time credit under Virgin Islands law for same period. See *Graham v. Lanfong*, 25 F.3d 203, 205 (3d Cir. 1994). The language of Virgin Islands Code limits good-time credits to time "served" in a Virgin Islands prison or jail. *Id.* Because Jackson may be entitled to federal good conduct deductions, and because the Bureau of Corrections is responsible for calculating those credits, the Court will instruct the VIBOC to review, calculate, and apprise the Court of Jackson's credits. See 18 U.S.C.A. § 18 U.S.C. § 4161.¹

Having duly considered the premises, it is hereby

ORDERED that Jackson's *pro se* petition for writ of mandamus is, in substance, a request for documents and shall be construed as such; and further

ORDERED that Jackson's request for documents, namely a copy of his docket sheet, status report, and acknowledgment of filing the instant writ is **GRANTED**; and further

ORDERED that the Clerk's office shall send Jackson certified copies of his Judgment and Commitment in the following files, D.C. CR. NO. 84/138, and D.C. CR. NO. 1984/0097; and further

ORDERED that Jackson's request for a *subpoena duces tecum* is **DENIED**; and finally

ORDERED that the VI Bureau of Corrections, by and through Richard Schrader, Jr., AAG and Ms. Dewese in the Bureau of Corrections Classifications Division, shall submit current calculation of all territorial and federal good conduct credits to which Jackson may entitled to the Court **no later than August 1, 2007.**

DONE AND SO ORDERED this 17 day of July 2007.

E N T E R:



GEOFFREY W. BARNARD
MAGISTRATE JUDGE

A T T E S T:
Wilfredo F. Morales

Clerk of the Court



By: Deputy Clerk

Copies to:

7/17/07
Curtis V. Gómez, Chief Judge
Michael Jackson, VDOC #356231, Wallens Ridge State Prison,
P.O. Box 759, Big Stone Gap, VA 24219 (Please Mark: LEGAL MAIL:
OPEN IN PRESENCE OF INMATE ONLY)
Richard Schrader, Jr., AAG
Ms. Dewese, VI Bureau of Corrections, Classifications
Division
Law Clerk-TLB
E. Wright

1 Title 18 U.S.C. §§ 4161-4166 (repealed 1984) (Section 235(a)(1) of Pub.L. 98-473, set out as a note under section 3551 of this title, provided that the repeal of this chapter is effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such repeal. Section 235(b)(1)(B) of Pub.L. 98-473 provided that the provisions of this chapter in effect before Nov. 1, 1987, shall remain in effect for five years after Nov. 1, 1987, as to an individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub.L. 98-473.)